

_____ BILL NO. _____

INTRODUCED BY _____

(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE SUPERVISION AND REGULATION OF MOTOR CARRIERS; REQUIRING THE PUBLIC SERVICE COMMISSION TO REGULATE THE RATES CHARGED BY CLASS D CARRIERS; REQUIRING CLASS D CARRIERS TO FILE WITH THE COMMISSION A SCHEDULE OF RATES AND CHARGES; AMENDING SECTIONS 69-12-201, 69-12-205, 69-12-501, 69-12-502, AND 69-12-503, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 69-12-201, MCA, is amended to read:

"69-12-201. Supervision and regulation of motor carriers. (1) The commission has the power and authority and it is its duty to:

(a) supervise and regulate every motor carrier in this state;

(b) fix, alter, regulate, and determine specific, just, reasonable, equal, nondiscriminatory, and sufficient rates, fares, charges, and classifications for Class A, ~~and Class B,~~ and Class D motor carriers;

(c) regulate the properties, facilities, operations, accounts, service, practices, and affairs of all motor carriers;

(d) require the filing of annual and other reports, tariffs, schedules, or other data by motor carriers;

(e) supervise and regulate motor carriers in all matters affecting the relationship between motor carriers and the traveling and shipping public.

(2) The commission may, by general order or otherwise, prescribe rules in conformity with this chapter and applicable to any and all motor carriers.

(3) The commission may fix and determine reasonable maximum or minimum rates for the operations of any Class C motor carrier when rates are required for the best interests of public transportation."

Section 2. Section 69-12-205, MCA, is amended to read:

"69-12-205. Rules to reflect differences between carrier classes. (1) All rules in relation to schedules, service, tariffs, rates, facilities, accounts, and reports must have due regard for the differences existing between

Class A, Class B, Class C, and Class D motor carriers, as defined in this chapter, and must be just, fair, and reasonable to the classes of motor carriers in their relations to each other and to the public.

(2) In fixing the tariff or rates to be charged by Class A, ~~and Class B, and Class D~~ motor carriers for the carrying of solid waste, persons, or property, ~~or both~~, the commission shall take into consideration the kind and character of service to be performed, the public necessity of the service, and the effect of the tariff and rates upon other transportation agencies, if any, and shall, as far as possible, avoid detrimental or unreasonable competition with existing railroad service or service furnished by a motor carrier."

Section 3. Section 69-12-501, MCA, is amended to read:

"69-12-501. Rate schedules to be maintained. (1) Every Class A, ~~or Class B, or Class D~~ motor carrier holding a certificate ~~must~~ shall maintain on file with the commission a full and complete schedule of its rates, fares, charges, classifications, and rules of service and any and all tariff provisions relating to ~~such~~ the rates, fares, charges, classifications, or rules. Every schedule on file ~~and approved on March 7, 1961, shall~~ must remain in full force and effect until changed or modified by the commission or by the carrier with the approval of the commission.

(2) ~~No~~ A change, modification, alteration, increase, or decrease in any rate, fare, charge, classification, or rule of service ~~shall~~ may not be made by any motor carrier without first obtaining the approval of the commission. The commission shall prescribe rules providing for the form and style of all schedules and tariffs and for the procedures to be followed in filing or publishing any changes or modifications of the same."

Section 4. Section 69-12-502, MCA, is amended to read:

"69-12-502. Prohibition on deviation from rate schedules. It ~~shall be~~ is unlawful for any Class A, ~~or Class B, or Class D~~ motor carrier to charge, demand, receive, or collect any greater or less rate, charge, or fare than that fixed by the commission for the transportation service provided. When maximum or minimum rates have been established for any service provided by any Class C motor carrier, it ~~shall likewise be~~ is unlawful for ~~such~~ the carrier to charge, demand, receive, or collect any greater compensation or rate than that established for the service by any applicable maximum rate or any less compensation or rate than that established by any applicable minimum rate. It is also ~~shall be~~ unlawful for any Class A, ~~or Class B, motor carrier or any Class C, or Class D~~ motor carrier subject to maximum or minimum rates to refund or remit, in any manner or by any device, any portion of the rates, fares, and charges required to be collected under the schedule of the Class A, ~~or Class B,~~

1 or Class D carrier on file with the commission or under the maximum or minimum rates established by the
2 commission for the Class C carrier."

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4 **Section 5.** Section 69-12-503, MCA, is amended to read:

5 **"69-12-503. Rates to be reasonable and nondiscriminatory.** (1) All rates, fares, charges,
6 classifications, or rules of service for the transportation of solid waste, property, ~~and/or~~ or persons upon the public
7 highways of this state must be fair, just, reasonable, and nondiscriminatory. ~~No~~ A motor carrier operating under
8 established rates ~~shall~~ may not make, give, or permit any undue preference or advantage to any particular
9 person, company, corporation, locality, or description of traffic; ~~nor shall such~~ A motor carrier may not subject
10 any particular person, company, corporation, locality, or description of traffic to any prejudice or disadvantage
11 in any respect. ~~Nothing herein provided shall~~ This section does not prevent the commission from authorizing
12 different rates or schedules of rates for service between the same places or between different points of origin
13 ~~and/or~~ or destination within the same places when ~~such~~ the different rates are justified by the differing character
14 of service to be rendered by the carrier to a shipper or consignee.

15 (2) The commission may, upon its own initiative or upon the complaint of any interested party, investigate
16 any rate, fare, charge, classification, or rule of service contained in the schedule of any motor carrier. If after the
17 investigation the commission ~~shall find, after such investigation,~~ finds that any ~~such~~ rate, fare, charge,
18 classification, or rule of service is unfair, unjust, unreasonable, or discriminatory, it shall disallow ~~the same~~ it and
19 fix a rate, fare, charge, classification, or rule of service ~~which shall be~~ that is fair, just, reasonable, and
20 nondiscriminatory and it shall order the affected motor carrier or carriers to conform to ~~such~~ the modified
21 schedule. Each motor carrier affected by any complaint or investigation ~~shall first~~ must be given notice of the
22 ~~same~~ complaint or investigation and an opportunity to be heard before the commission."

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